IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE ELEVENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 14227 of 2004

Between:

ChodavaramGramapanchayat,

Ramachandrapuram Mandal,

East Godavari District, Rep. by its

Vice President B.Venkateswararao.

..... PETITIONER

AND

1. Chief Engineer (Constructions),

South Central Railway,

Railnilayam,

Secunderabad.

2. Deputy Chief Engineer (Constructions),

South Central Railway,

Vijayawada.

3. Divisional Engineer (Constructions),

Office at Ramachandrapuram,

East Godavari District.

4. District Collector, East Godavari

District, kakinada.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not considering the representations submitted by the petitioner and the villagers dated 05-03-2004, 13-05-2004, 28-05-2004, 16-06-2004 and on 15-07-2004 to have a railway crossing gate at new approach road to the village Chodvaram, Ramachandrapuram Mandal, East Godvari district, as illegal, arbitrary and violative of fundamental rights guaranteed under constitution of India, and consequently direct the respondents not to fix the railway crossing gate at old X point.

Counsel for the Petitioner: MR. P.VENUGOPAL(SENIOR COUNSEL) AND T.V.S.PRABHAKAR RAO.

Counsel for the Respondents 1 to 3: GOWRISHANKER SANGHVI (STANDING COUNSEL).

Counsel for the Respondent No.4: GP FOR REVENUE.

The Court made the following :

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

ORDER:

Heard Sri P.Venugopal, the learned senior Counsel appearing on behalf of the petitioner and also Sri Gowrishanker Sanghvi, the learned standing counsel for the respondents 1 to 3, and at their request the main writ petition itself is taken up for disposal.

The petitioner, which is a Gram Panchayat, filed this Writ Petition, inter alia, seeking for direction to consider the representations filed on 05-03-2004, 13-05-2004, 28-05-2004, 16-06-2004 and on 15-07-2004 for the purpose of having a railway crossing gate at new approach road to the village Chodavaram, Ramachandrapuram Mandal, East Godavari.

The case of the petitioner is that having regard to the convenience and safety of the passengers only the petitioner seeking such shifting of the railway level crossing gate at new approach road to the Chodavaram village from the old abandoned road. However, the said representations are still pending.

Having considered the submissions made and also on perusal of the material, it is seen that having regard to the nature of relief, as sought for, it is not necessary to go into the merits of the case, it would suffice in the interest of justice to have a disposal of the representations filed by the petitioner and villagers dated 05-03-2004, 13-05-2004, 28-05-2004, 16-06-2004 and 15-07-2004 at the earliest.

In the circumstances, the writ petition is disposed of directing the 1st respondent herein to consider the aforesaid representations and pass orders, on merits, in accordance with law, after giving notice and opportunity to the petitioner and all the

concerned parties, within a period of one month from the date of receipt of a copy of this order. No costs.

_____

B.PRAKASH RAO, J.

Dated 11-08-2004.

SKMR

To

1. Chief Engineer (Constructions),

South Central Railway,

Railnilayam,

Secunderabad.

2. Deputy Chief Engineer (Constructions),

South Central Railway,

Vijayawada.

3. Divisional Engineer (Constructions),

Office at Ramachandrapuram,

East Godavari District.

4. District Collector, East Godavari

District, kakinada.

5. 2 CCs to G.P. for Revenue, High Court of A.P., Hyderabad,(OUT).

6. 2 CD copies.